

Exhibit 1

1:1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3 In re: PHARMACEUTICAL
4 INDUSTRY AVERAGE WHOLESAL
5 PRICE LITIGATION MDL No. 1456
6 ----- C/A No. 01-12257-PBS
7 THIS DOCUMENT RELATES TO: HON. PATTI B. SARIS
8 UNITED STATES OF AMERICA ex rel.
9 VEN-A-CARE OF FLORIDA KEYS, Inc.,
10 et al. v. DEY, INC., et al.,
11 CIVIL ACTION NO. 05-11084-PBS
12
13 DEPOSITION OF: W. DAVID BRADFORD, Ph.D., VOL. I
14 DATE: May 7, 2009
15 TIME: 9:07 AM
16 LOCATION: Offices of the United States
17 Attorney for the District
18 of South Carolina
19 151 Meeting Street, Suite 200
20 Charleston, SC
21 TAKEN BY: Counsel for the Plaintiffs
22 REPORTED BY: Laura J. Bash, RPR
2: 1 APPEARANCES OF COUNSEL:
2 ATTORNEYS FOR THE PLAINTIFF
3 UNITED STATES OF AMERICA:
4 U.S. DEPARTMENT OF JUSTICE
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70:15 + 74.2

70:15 Q. Appendix F, do you remember whether you
16 wrote this?

17 A. This was written at my request,
18 including the figure.

19 Q. Do you know who wrote it?

20 A. I don't. In essence, this section is
21 summarizing -- it's summarizing steps that were
22 taken -- briefly, it's summarizing in words steps
71: 1 that were taken in this Stata code that were used
2 for much of the analysis. It was a relatively
3 mechanical process to describe succinctly what was
4 undertaken in each of those scrips.

5 Each state has a somewhat different
6 data structure and, therefore, required a
7 different -- a slightly different script in order
8 to make sure that we were pulling the right data
9 elements. And I wanted to have in the appendix for
10 each one, at least in case I was asked a question,
11 a brief summary of what happened. And so I asked
12 that it be provided.

13 Q. Yeah. Paragraph 32 on Page 66 has a
14 sentence that says: I have reviewed the research
15 compiled by Myers and Stauffer for use in
16 Dr. Duggan's analysis and generally feel that this
17 information is accurate. Therefore, I used the
18 Myers and Stauffer data in my analyses.

19 Are you referring there to Myers and
20 Stauffer's summaries of state Medicaid
21 methodologies for reimbursement for prescription
22 drugs?

72: 1 A. Yes. And that's in two forms. One is
2 a set of files that was provided where they, Myers
3 and Stauffer, went back and didn't just rely on the
4 National Pharmaceutical Council summaries but
5 called state Medicaid agencies and, my
6 understanding, is filled in gaps that were in that.

7 Also Myers and Stauffer has done a
8 series of reports for states over the years that
9 has this information in it as well. And I reviewed

10 both sets of documents.

11 Q. Did you conclude that, as far as you
12 could tell -- well, let me back up.

13 Are you familiar with a series of kind
14 of spreadsheet summaries, mostly one page each,
15 sometimes two pages each, which summarize
16 information -- historical information about the
17 state -- each state's drug payment methodology?

18 A. I am familiar with a spreadsheet -- a
19 set of spreadsheets that resemble what you're
20 describing.

21 Q. Do you recall they were produced as
22 part of Professor Duggan's -- the backup to
73: 1 Professor Duggan's expert report?

2 A. That's my recollection.

3 Q. And did you conclude that, to the best
4 that you could see, that those summaries appeared
5 to be accurate?

6 A. Yes.

7 Q. Did you feel they were accurate enough
8 for you to rely on in your analyses?

9 A. Yes. Let me add that we -- let me add
10 that we also went to original Myers and
11 Stauffer -- I don't remember the exact number, but
12 we have them listed in the report if you want to
13 look at them -- but some dozen, two dozen or so,
14 Myers and Stauffer reports across many states
15 across many years; examined that data as well.

16 So -- and we examined individually all
17 of the National Pharmaceutical Council reports for
18 the year spanning the time period in question. So
19 we did our own background look at a variety of
20 sources.

21 Q. Did you find any errors in the Myers
22 and Stauffer summaries?

74: 1 A. I can't recall sitting here today that
2 we did -- or didn't, frankly.